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July 16, 2007

Testimony regarding surface vs ground water use in the South Platte Basin

Dr. Alan Foutz, President

Colorado Farm Bureau

Good morning ladies and gentlemen. My name is Alan Foutz and I am the President of the Colorado Farm Bureau and a farmer from Akron, Colorado. Today, I'm here to testify on behalf of the Colorado Farm Bureau.

First off, let me commend all of you for your willingness to serve on this Task Force. You have a very daunting task ahead of you.

For those of you that are not aware of who Colorado Farm Bureau is, let me give a little bit of background information. Colorado Farm Bureau is the largest general farm organization in Colorado. We represent all facets of agriculture. We are a grassroots organization that is run by our members. We participate in discussions based on our policy that is written and approved by our members.

As you know, this area of Colorado is one of the most agriculturally productive areas in the United States, and it is imperative that agriculture remain a viable industry along the South Platte River. Colorado Farm Bureau has long been active in water discussions around the state, and especially the South Platte Basin. Recently, we initiated talks among our county Farm Bureau members about this issue. One of the suggestions that we have heard the most is that more timely decisions must be made regarding the management of the state's water resources. The water court system today is too costly and cumbersome and it is not an effective way of managing our water. Our members have stopped short of supporting the creation of a "water czar" however, we do believe that potential solutions can include granting the State Engineer more flexibility to administer the state's water.

Colorado Farm Bureau was very active in the debate regarding SB 73, and we supported this compromise legislation that was crafted to address well pumping and augmentation plans on the South Platte River. The Colorado Farm Bureau Board of Directors voted unanimously to endorse this plan that protected senior water rights owners along the South Platte River and allowed farms and ranches that depend on groundwater to continue pumping under specific circumstances. We offered our support even though we were attacked by some of our members who felt that this support went against our support for the prior appropriations system.

Let me be clear, Colorado Farm Bureau is a staunch supporter of the prior appropriations system. We believe that the stated objective of water management in Colorado shall be to protect the

right of owners of adjudicated decrees to continue their use of water based upon the first in time-first in right doctrine, whether it be surface or subsurface water.

Colorado Farm Bureau believes that the doctrine of “first in time, first in right” should apply to all water, and priority dates should date from the first proven beneficial use.

We believe that in most years there is a large amount of water which can be diverted for beneficial use by means of wells without depriving surface appropriators of water they have historically used. These wells should be allowed to use any means at their disposal to furnish water for the satisfaction of senior decrees as an alternative to having their wells shut down. We believe that provisions should be made that any owner of a decreed water right may, with proper legal authority, use any method or facility available to him in order to obtain the amount of his decree. Potential solutions should include allowing different sources of water to be used for augmentation (i.e. Colorado Big Thompson water).

Colorado Farm Bureau policy states that tributary wells in existence as of 1974 be preserved in a first in time, first in right doctrine. This does not mean that we believe that these wells should be allowed to pump out-of-priority or to not be accountable for depletions under call circumstances. These wells should be administered according to their decreed date.

Perhaps the most important point is we need increased storage. The number one priority for Colorado should be the maximum beneficial utilization of Colorado water under the prior appropriations doctrine. Colorado Farm Bureau believes that beneficial use of our water should include increased storage. Increased storage must be part of the solution.

The time is now to find a solution.

Thank you for allowing me to express the position of Colorado Farm Bureau. I encourage you to use our organization as a resource. We look forward to working with the recommendations that you develop. I'd be happy to answer any questions you have, either now, or in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Foutz", with a stylized, cursive script.

Alan Foutz, President